

U.S. Serial No. 10/789,398
Art Unit: 3738

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kathleen M. Miller et al.

Serial No.: 10/789,398

Filed: February 27, 2004

Title: IMPLANTABLE OR INSERTABLE MEDICAL DEVICE RESISTANT TO
MICROBIAL GROWTH AND BIOFILM FORMATION

Art Unit: 3738

Examiner: Suzette Jaime J. Gherbi

Confirmation No.: 4925

Docket No: 98-P0151US2

VIA EFS-WEB
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Certificate of Electronic Transmission
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I hereby certify that 10/638,920 and this correspondence and any document
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Nancy Joyce Simmons
(Printed Name of Person Sending Correspondence)

/nancy joyce simmons/
(Signature)

NOTICE OF APPEAL AND PRE-APPEAL BRIEF REQUEST FOR REVIEW

SIR:

Applicant hereby respectfully appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated September 3, 2010, finally rejecting the pending claims in this application. Applicant respectfully petitions under 37 CFR 1.136(a) for a one-month extension of time to respond.

Authorization is hereby provided to charge Deposit Account No. 50-1047 the Appeal Fee under 37 CFR 41.20(b)(1) (\$540) and the fee for a one-month extension of time under 37 CFR 1.17(a)(1) (\$130). It is further requested that the Commissioner charge any additional fees that may be required, or credit any overpayments, to Deposit Account 50-1047.

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A Pre-Appeal Brief Request For Review is filed herewith.

Dated: December 17, 2010

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Respectfully submitted,

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